

WA/WD PTS-  
NoActionDrug  
(01/19)

# UNITED STATES DISTRICT COURT

for

Western District of Washington

## Report on Defendant Under Pretrial Services Supervision

**Date of Report:** 01/28/2020

**Name of Defendant:** Nicholas Armstrong

**Case Number:** CR19-243 JCC

**Name of Judicial Officer:** The Honorable Michelle L. Peterson, United States Magistrate Judge

**Original Offense:** Counts 1-2: 18:2320(a)(4) – Trafficking in Counterfeit Drugs

Count 3: 18:2320(a)(4) and 2 - Trafficking in Counterfeit Drugs

**Date Supervision Commenced:** 11/26/2019

### Bond Conditions Imposed:

- Travel is restricted to the Western District of Washington, or as directed by Pretrial Services.
- Maintain residence as directed. Do not change residence without prior approval of Pretrial Services or as directed by Pretrial Services.
- Undergo a mental health, psychiatric or psychological evaluation and follow all treatment recommendations in that evaluation, as directed by Pretrial Services. You shall take all medications as prescribed.
- Provide Pretrial Services with any requested information regarding your financial status, income sources, and investments. Sign a Release of Information form for Credit Bureau Verification if requested by Pretrial Services.
- You must contribute towards the costs of the services required by this bond, to the extent you are financially able to do so, as determined by Pretrial Services.
- Clear all outstanding warrants as directed by Pretrial Services.
- Comply with all other court orders or terms of supervision.
- The defendant must notify all prescribing physicians and medical providers, including dentists, or his/her history of substance abuse, and provide Pretrial Services with verification of notification.
- Undergo a substance use treatment evaluation with Seattle Counseling Services and follow all treatment recommendations in that evaluation, as directed by Pretrial Services. You shall participate as directed in a program for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if the defendant has reverted to the use of drugs or alcohol.

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### NONCOMPLIANCE SUMMARY

The defendant has not complied with the following conditions of supervision:

- Undergo a substance use treatment evaluation with Seattle Counseling Services and follow all treatment recommendations in that evaluation, as directed by Pretrial Services. You shall participate as directed in a program for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if the defendant has reverted to the use of drugs or alcohol.

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**Nature of Noncompliance**

1. The defendant violated the bond condition to not use, consume or possess any controlled substances, unless the substance is prescribed by a physician, by using marijuana on or about January 17, 2020.

**Supporting Evidence:** On November 26, 2019, the defendant appeared before Your Honor for an initial appearance and plea. She was subsequently released on an appearance bond with special conditions, including Pretrial Services Supervision. At the time of her initial interview, she last reported using marijuana on November 22, 2019.

On January 17, 2020, the defendant submitted a urine sample at Seattle Counseling Services that returned positive for cannabinoids. On January 28, 2020, I received the results of the test from Seattle Counseling Services and discussed the results with Ms. Armstrong. She denied new marijuana use since her release but advised she was using MFuzed, a cannabidiol (CBD) vapor oil, to treat her migraines. She was reprimanded and instructed to cease using the products. She was apologetic as she understood the product to be delta-9-tetrahydrocannabinol (THC) free and agreed to cease using the product.

A review of MFuzed website indicates they sell three CBD vapor oils, two of which contain THC.

Based on prior consultation with the Director of Alere, Pat Pizzo, because there is no control (regulation) on CBD production, products are often mislabeled and there is no way to know what is contained in CBD products.

Ms. Armstrong remains in compliance with all other conditions imposed, however, it should be noted there is an open citation with the Seattle Municipal Court (Case No:651523) with an allegation of reckless endangerment stemming from an incident on January 5, 2020. Ms. Armstrong was arrested for allegedly throwing rocks at police during a protest in Seattle. She was booked and released after being issued the citation which has been referred for prosecution. A request for the incident report was submitted following the incident but has not been received as of this writing. Ms. Armstrong denies the incident and advised she was filming the protest. This incident is not alleged as a violation at this time.

Otherwise, Ms. Armstrong remains in compliance with her bond, cleared her warrants, engaged in volunteering and other pro-social activities, and maintains communication with me. She has responded well to supervision and this appears to be an inadvertent use of controlled substance to address her ongoing medical needs.

Sentencing is scheduled before The Honorable John C. Coughenour, United States District Judge, on March 24, 2020.

This is the first positive result since release to supervision.

I have reviewed the matter and taken the following action:

☒ Reprimand

I have notified defense counsel and the Assistant United States Attorney. Defense counsel concurs with the recommendation. I have not received a response on the Assistant United States Attorney's position at this time.

I respectfully recommend that the Court endorse the actions taken at this time.

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I swear under penalty of perjury that the  
foregoing is true and correct.

Executed on this 28th day of January, 2020.



Ben Beetham  
United States Probation Officer

APPROVED:

Connie Smith

Chief United States Probation and Pretrial Services Officer

BY:

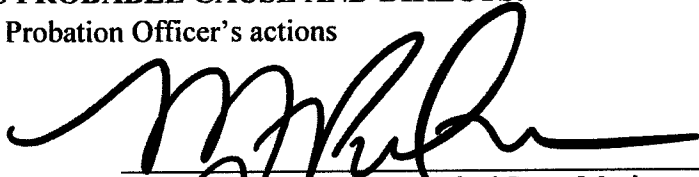


Jerrod F. Akins  
Supervising United States Probation Officer

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**THE COURT FINDS PROBABLE CAUSE AND DIRECTS:**

- ☒ Judicial Officer endorses the United States Probation Officer's actions  
☐ Issue a Summons  
☐ Issue a Warrant  
☐ Other



Michelle L. Peterson, United States Magistrate Judge

January 28, 2020  
Date